

Senate File 380 - Introduced

SENATE FILE 380
BY RAGAN and JOCHUM

(COMPANION TO LSB 2489HH BY
SCHULTE)

A BILL FOR

1 An Act relating to the sealing of juvenile delinquency records.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.150, subsection 1, paragraph a,
2 unnumbered paragraph 1, Code 2011, is amended to read as
3 follows:

4 ~~Upon application of~~ The court, on its own motion, shall order
5 the scheduling of a hearing two years after the date of the
6 last official action in a case of a person who was taken into
7 custody for a delinquent act or was the subject of a complaint
8 alleging delinquency or was the subject of a delinquency
9 petition, ~~or upon the court's own motion, the court, after~~
10 hearing, shall order or after the date the child becomes
11 eighteen years of age, and order, if there is no objection from
12 the county attorney, the official juvenile court records in the
13 case including those specified in sections 232.147 and 232.149
14 sealed if the court finds all of the following:

15 Sec. 2. Section 232.150, subsection 1, paragraph a,
16 subparagraph (1), Code 2011, is amended by striking the
17 subparagraph.

18 Sec. 3. Section 692.16, Code 2011, is amended to read as
19 follows:

20 **692.16 Review and removal.**

21 At least every year the division shall review and determine
22 the current status of all Iowa arrests or takings into custody
23 reported, which are at least four years old with no disposition
24 data.

25 1. Any Iowa arrest or taking of a juvenile into custody
26 of a person eighteen years of age or older recorded within
27 a computer data storage system which has no disposition
28 data after four years shall be removed unless there is an
29 outstanding arrest warrant or detainer on such charge.

30 2. Any arrest or taking of a juvenile into custody recorded
31 within a computer data storage system which has no disposition
32 data after two years shall be removed unless there is an
33 outstanding arrest warrant or detainer on such charge.

34 EXPLANATION

35 This bill relates to the sealing of juvenile delinquency

1 records.

2 The bill provides that the court, on its own motion, shall
3 order the scheduling of a hearing two years after the date of
4 the last official action in a juvenile delinquency case, or
5 after the date the child becomes 18 years of age, and order,
6 if there is no objection from the county attorney, that the
7 delinquency records be sealed.

8 In order for juvenile records to be sealed, current
9 provisions and the bill require that the juvenile has not
10 committed any subsequent criminal violations greater than a
11 simple misdemeanor and that the juvenile has successfully
12 completed any youthful offender placement.

13 The bill also accelerates the removal of juvenile records
14 stored within the computer data storage system of the
15 department of public safety. The bill requires the department
16 of public safety to remove the records from the computer
17 data storage system of the department that relate to a
18 juvenile arrest or the taking of a juvenile into custody if
19 no disposition data has been recorded within two years of the
20 arrest or taking into custody, unless there is an outstanding
21 arrest warrant or detainer for the juvenile. Current law
22 requires the arrest or taking into custody information for a
23 juvenile information be removed from the computer data storage
24 system of the department of public safety if no disposition
25 data has been recorded within four years of the arrest or
26 taking into custody.

27 Code section 692.1 defines "disposition data" to mean
28 information pertaining to a recorded court proceeding
29 subsequent and incidental to a public offense arrest and
30 includes dismissal of the charge, suspension or deferral of
31 sentence.